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Paper No. 6

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In re Reissue Application of
Johnson, et al.
Application No. 09/667,693
Filed: September 22, 2000
Atty. Dkt. No. 47382.000060
Title: SPEED AND ACCELERATION
MONITORING DEVICE USING
VISIBLE LASER BEAMS

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SEP 6 2001

OFFICE OF PETITIONS

DECISION DISMISSING
PETITION UNDER 37 CFR
1.47(b)

This is in response to the petition under 37 CFR 1.47(b),
filed April 26, 2001.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified reissue application was filed September 22, 2000 without an executed oath or declaration and naming James H. Johnson and John DiDomenico as joint inventors. Accordingly, on October 26, 2000, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing. The instant petition and request for extension of time were filed in response.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is required to preserve the rights of the parties or to prevent irreparable damages.

Petitioner lacks item(2) set forth above.

As to item (2), an acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 has not been presented. The declaration submitted herewith is unacceptable as it does not indicate the post office address and residence of either of the named inventors. Additionally, the declaration has not been executed. An oath or declaration

signed by one other than a named inventor should be executed by a corporate officer of the assignee company, such as the president, vice president, secretary, or treasurer on behalf of and as agent for the non-signing inventor. The name, address, and title of the corporate officer should be included. Petitioner's attention is directed to MPEP 409.03(b) for further guidance.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

By FAX: (703) 308-6916
 Attn.: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
 2201 S. Clark Place
 Arlington, VA

Telephone inquiries regarding this decision should be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

Christina T. Carter for
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Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy